

**Hearing: “Armed and Dangerous:  
Confronting the Problem of Border Incursions”  
3 p.m., Tuesday, Feb. 7, 2006**

**Subcommittee on Investigations  
Michael McCaul (R-TX), Chairman  
Opening Statement**

Good Afternoon.

I want to welcome the members of this subcommittee and of the full committee to this landmark hearing. I would also like to offer a special welcome to the members of the Texas Border Sheriff’s Coalition who are present here today. We appreciate the hard work you do everyday to make us more safe and secure. This marks the first official meeting of the Homeland Security Subcommittee on Investigations. I want to thank Chairman King for his vision in creating this committee and for the honor he has bestowed upon me to chair it. It is also an honor to serve with ranking members Bennie Thompson and Bob Ethridge.

Today we will thoroughly examine the expanding crisis of violence on America’s border with Mexico, and more specifically we will investigate the increasing numbers of border incursions into America’s sovereign land. The incursions, which often result in violent crimes, are unacceptable and cannot be tolerated. We want to know who is involved, examine trends, and review coordination between federal, state and local law enforcement in deterring, responding to and investigating these crimes.

The violence on the Southern border that our Border Patrol and local law enforcement encounter is increasing at an alarming rate. From 2004 to 2005, violent incidents against Border Patrol agents on the Southern border have increased 108%. Since October, there have been 92 incidents of rock assaults, 47 physical assaults, 15 vehicle assaults, and 19 firearm assaults on Border Patrol agents. Today, we will see graphic photos of injuries to the agents as a result of rock throwing assaults on the border.

According to the Department of Homeland Security, there have been 231 reported incursions into the United States since 1996. There is little doubt that the majority of these incidences, mostly occurring on the southwest border, are accidental, but even these accidental crossings present an opportunity for serious injury and loss of life. In fact, there are incidents of U.S. officers accidentally crossing into Mexico during a pursuit. However, there are several reports of intentional violations of U.S. sovereignty by groups, often smuggling hundreds of pounds of drugs, which appear to be associated with members of the Mexican military or police forces. To date, law enforcement has maintained an extraordinarily high degree of control and restraint. This may not always be the situation, and it would not take much for one of these standoffs to turn violent and deadly.

On January 26, 2006, I sent letters to Secretaries Rice and Chertoff asking for a full report of the incursions; the policies of the Departments of State and Homeland Security addressing Mexican incursions into the United States; and the procedures established by State and Homeland Security in responding to such incidents. I also sent a letter to the Mexican Ambassador to the United States, Carlos de Icaza, and I related my concerns about reports of the most recent incursion into the United States; and requested that he meet with me at his earliest convenience to discuss the details of this incident so we can learn what measures are being taken to prevent any future occurrences. Moreover, I asked the Ambassador to give his assurances that these incursions into United States territory are not condoned by the Government of Mexico.

A few hours before this hearing, I had the opportunity to meet with the Mexican Ambassador to the United States. I want to thank him for meeting with me and discussing this very important issue of border security.

While it is possible that large drug cartels are using military-like uniforms, vehicles and weapons – the bottom line is that these incidences threaten the safety of law enforcement agents, citizens and the security of our nation.

Just two weeks ago on January 23<sup>rd</sup>, military-like humvees assisted 3 SUVs in entering the United States at Neely Crossing in Hudspeth County, Texas. As many of you know from recent press reports, this illegal activity was intercepted by local Sheriffs deputies, members of the Texas Department of Public Safety, and the Border Patrol. A chase ensued whereby the humvees and one SUV successfully retreated into Mexico, one SUV became stuck in the Rio Grande River and was destroyed by the individuals involved, and the last vehicle was captured and found to contain more than 1,400 pounds of marijuana. At this hearing, I will show the video of the chase and activity on the banks of the Rio Grande River. Unfortunately, the individuals escaped to a safe haven and avoided apprehension. There is an on-going investigation into who actually perpetrated this crime; the successful outcome of the investigation will depend on coordination between all levels of the U.S. government and, most importantly, cooperation from the Mexican government.

This is just one of several serious incidences. A few examples include:

- In March 14, 2000, near Santa Teresa, New Mexico, Border Patrol agents apprehended 9 individuals involved in an incursion after being fired upon,
- In October 14, 2000, Border Patrol agents in San Diego, California were shot at from across the border by individuals appearing to be Mexican military,
- In May 18, 2002, in Ajo, Arizona, a Border Patrol agent had the rear and side windows of his vehicle shot out during a reported incursion.

Since October, 2005, to date, there have been six more known incursions at the border.

We share a common border with Mexico, but we also share a responsibility for developing effective policies to deter a highly organized and armed criminal element that is a threat to both of our countries. We will hold our friend and neighbor to the south to a high standard of cooperation and responsibility. This organized criminal element threatens the security and well being of the citizens of both of our great nations.

In response to the increased violence on the border, Texas state and local law enforcement implemented "Operation Linebacker." This program involves cooperation between the Border Patrol and local enforcement preventing illegal immigration and subsequent criminal activity. The House of Representatives, on December 16, 2005 passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, which will strengthen enforcement of immigration laws and enhance border security. We call on the Senate to pass H.R. 4437. It is important now, more than ever to have increased border security and enforcement of our immigration laws.

The first duty of this government is to protect and defend its citizens, and protecting and securing our borders is a crucial part of this duty.

Our borders cannot become the gateway for criminal enterprise and trafficking and terrorist activity. Our border must be the crossroads for safe and mutually beneficial trade, travel and tourism.

Our border is in a crisis. We know that Al Qaeda would like to exploit our borders and we know that they are vulnerable. I have often stated that in the post 9/11 world this is no longer just an immigration issue but one of national security.

Today we will hear from several border sheriffs who put themselves on the front lines everyday. It is they who live the violence and face the threats. But this is a threat not only to law enforcement and the border, it is a threat to the safety and security of all Americans. It is our duty and responsibility in the Congress to protect the American people.